

AUG 15 2005

CLERK
U.S. DISTRICT COURT
MIDDLE DIST. OF ALA.

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District	Middle
Name (under which you were convicted):		Docket or Case No.:	
Thomas Savage		2:05cv777-T	
Place of Confinement: jail		Prisoner No.:	
Montgomery Municipal		4251	
Petitioner (include the name under which you were convicted)		Respondent (authorized person having custody of petitioner)	
Thomas Savage		v. W. R. Collins, et al.,	
The Attorney General of the State of		Bill Prior	

PETITION

- (a) Name and location of court that entered the judgment of conviction you are challenging: Montgomery Municipal jail, P.O. Drawer 159
Montgomery, Alabama 36101,
- (b) Criminal docket or case number (if you know): Unknown
- (a) Date of the judgment of conviction (if you know): 8-1-05, 7-5-05
- (b) Date of sentencing: 8-1-05, 7-5-05, unknown
- Length of sentence: 3, 7, days, unknown days
- In this case, were you convicted on more than one count or of more than one crime? Yes ☒ No ☐
- Identify all crimes of which you were convicted and sentenced in this case:
Using abusive language, Fighting except in
self-defense,
- (a) What was your plea? (Check one)
 - (1) Not guilty ☒
 - (2) Guilty ☐
 - (3) Nolo contendere (no contest) ☐
 - (4) Insanity plea ☐

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? _____

(c) If you went to trial, what kind of trial did you have? (Check one)

Jury ☒ Judge only ☐

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

Yes ☒ No ☐

8. Did you appeal from the judgment of conviction?

Yes ☒ No ☐

9. If you did appeal, answer the following:

(a) Name of court: W. R. Collins, Jail Administrator

(b) Docket or case number (if you know): Unknown

(c) Result: Denied

(d) Date of result (if you know): 7-14-05, unknown

(e) Citation to the case (if you know): no

(f) Grounds raised: Denied due process of Twenty-four Hour Notice, Denied due process of Seventy-two Hour Hearing, Denied the right to an effective appeal, Denied procedural due process of law,

(g) Did you seek further review by a higher state court? Yes ☐ No ☒

If yes, answer the following:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Result: _____

(4) Date of result (if you know): _____

(5) Citation to the case (if you know): _____

(6) Grounds raised: _____

(h) Did you file a petition for certiorari in the United States Supreme Court?

Yes ☐ No ☒

If yes, answer the following:

(1) Docket or case number (if you know): _____

(2) Result: _____

(3) Date of result (if you know): _____

(4) Citation to the case (if you know): _____

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court?

Yes ☐ No ☒

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes ☐ No ☒

(7) Result: _____

(8) Date of result (if you know): _____

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes ☐ No ☒

(7) Result: _____

(8) Date of result (if you know): _____

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: Yes ☐ No ☒

(2) Second petition: Yes ☐ No ☒

(3) Third petition: Yes ☐ No ☒

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not: _____

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: Denied the rights to an effective appeal proceedings,

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): Defendants has denied Petitioner due process of Twenty-four Hour Notice of Hearing, and besides, Respondents

(b) If you did not exhaust your state remedies on Ground One, explain why: _____

(c) **Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☐ No ☒

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

- has denied Petitioner due process of Seventy - two Hour Hearing, before a Tribunal that Hear, reach a decision of guilt or innocent, an moreover, Respondents has based their findings of facts on the statement of Reporting Officer, found Petitioner guilty on the Reporting Officer statement along, Reporting Officer statement are unreviewable, thereby, Respondents has denied Petitioner the right to an effective appeal proceedings, an furthermore, Respondents has failed to afford Petitioner the right to confront his accuser, with a questionnaire, to the Disciplinary Chairman to examine the Reporting Officer, at the Disciplinary proceeding, to bring out the elements of the case, for determination by the Tribunal, Respondents has denied adequate living space, in the Montgomery Municipal jail, by only providing Petitioner with a 8 X 5 Cell, with three other inmates, which Respondents has violated Federal requirements of adequate living space per inmate are 60 X 40 Square feet, Living Quarter per inmate, Respondent has denied adequate access to the Courts, by only providing two sheets of Paper, one Stamp Envelop, one Golf Pencil, Respondents has failed to comply with Federal Courts' requirements, that Order that Prison authorities are required to provided one Legal Pad, five Stamp Envelops or five Stamps and five Envelops, one Ink Pen and

Pencil per week, per inmate, Respondents has denied Petitioner a daily shower, without providing Petitioner with due process of Hearing, before a Tribunal of the Montgomery Municipal jail, Respondents has subjected Petitioner to unnecessary noise, arguing, shouting, whistling, rattling, pounding on door, table, window, walls, of mental insane inmates, thereby, Respondents has placed mental insane inmates, in the same environment as those that are sane, without procedural due process of law, Respondents has denied Petitioner the freedom to cleaned his commode, lavatory, by scrubbing with a brush and scouring powder each morning, Respondents has denied Petitioner procedural due process of law, by subjecting Petitioner to unconstitutional Rules and Regulations, of the Montgomery Municipal jail, the Rules and Regulations has not been promulgated by the State of Alabama Representatives, approved by the State of Alabama Lieutenant Governor, attested in to law, by the State of Alabama Governor, thereby, the State of Alabama Governor has acted in his official capacity recklessly, partially, irresponsibly, due to the Merit System the Governor have acknowledgement of the function of the State of Alabama Government, thereby, Respondents did willfully, disregarded, failed to

carry out his respective duty as the Governor of the State of Alabama, thereby, the Governor elect are unbecoming his professional responsibilities with the State of Alabama Governorship, thereby, Petitioner remove the Governor of the State of Alabama - Immunity Cap, to slap a Petition on its Head, to announce and exercise the words of the State of Alabama Constitution, thereby, the Petitioner shall enjoy the privileges of the Governorship of the State of Alabama, thereby, Respondents denied Petitioner procedural due process of law, and besides, Respondents has violated Federal mandates, and moreover, Respondents deprived Petitioner of privileges, such as Television, Commissary, Enrichment Programs, Religious Services, items for personal hygiene use, 60X40 living space, one Legal Pad, one Ink Pen, one Pencil, five Envelops, five U. S. postage Stamps, or five Stamp Envelops, per week, per inmate, Brush and Scouring Powder, Cleaning utensils, and furthermore, Respondents has failed to uphold Federal mandates that give Prisoners a free environment from unnecessary noises from insane inmates Respondents has denied Petitioner due process of Twenty - four Hour Notice of Hearing, and besides, Respondents has denied Petitioner due process of Seventy - two Hour Hearing

Before a Tribunal, Respondents has denied Petitioner an effective appeal, and furthermore, Respondents has denied Petitioner confrontation at the Disciplinary proceeding, thereby, Respondents has subjected Petitioner to violations of his First, Fourth, Fifth, Sixth, Eighth, Fourteenth Amendment rights to the State of Alabama, United States, Constitution,

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☒

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: _____

GROUND TWO: _____

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): _____

(b) If you did not exhaust your state remedies on Ground Two, explain why: _____

(c) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☐ No ☒

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☒

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two: _____

GROUND THREE: _____

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): _____

(b) If you did not exhaust your state remedies on Ground Three, explain why: _____

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☐ No ☒

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☒

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: _____

GROUND FOUR: _____

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): _____

(b) If you did not exhaust your state remedies on Ground Four, explain why: _____

(c) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☐ No ☒

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☒

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

 (7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: _____

13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? Yes ☐ No ☒

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: _____

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: _____

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available. _____

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. _____

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: _____

(b) At arraignment and plea: _____

(c) At trial: _____

(d) At sentencing: _____

(e) On appeal: _____

(f) In any post-conviction proceeding: _____

(g) On appeal from any ruling against you in a post-conviction proceeding: _____

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: _____

(b) Give the date the other sentence was imposed: _____

(c) Give the length of the other sentence: _____

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? Yes ☐ No ☒

This image shows a single page of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

(1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of —

- (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
- (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
- (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief: Petitioner shall
enjoy the privileges of the Governorship of the
State of Alabama
or any other relief to which petitioner may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this
Petition for Writ of Habeas Corpus was placed in the prison mailing system on August
11-2005 (month, date, year).

Executed (signed) on 8-11-05 (date).

Thomas Savage
Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing
this petition. _____

